

REMARKS

Claims 1-4 have been amended and are currently pending in the application. Additionally, original dependent claim 5 is also currently pending in the present application. Claims 6-8 have been withdrawn. The Applicant respectfully reserves the right to reinstate the withdrawn claims in the event it is determined that a generic claim is allowable.

REJECTION OF CLAIM 1 UNDER 35 U.S.C. 102(e)

The current Office Action rejects independent claim 1 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,648,408 to Grove. The Office Action provides that the Grove patent includes a “side seat (44), side seat cushion support frame (46), side seat support (52), mounting means (62), the side seat cushion extending laterally from the motorcycle passenger seat (see Figure 1). No further explanation was provided.

Applicant respectfully traverses the rejection of independent claim 1 under 35 U.S.C. 102(e). The Grove patent does not show a side seat cushion (44). In fact, the specification of the Grove patent identifies the element referenced by (44) as a soft pad for a second seat (42). The second seat of the Grover patent is a passenger seat not a side seat as taught by the Applicant. In the Applicant’s invention, the side seat cushions are distinct from the passenger seat. Applicant has amended independent claim 1 to clarify and particularly identify that the side seat cushion is disposed proximate to and unattached from a passenger seat.

The Grove patent does not disclose or teach side seat cushions that are proximate to and unattached from a passenger seat. Therefore, the Applicant respectfully requests withdraw of the rejection of claim 1 under 35 U.S.C. 102(e). The Applicant respectfully contends that independent claim 1 is now in condition for allowance and respectfully requests its expeditious allowance.

REJECTION OF CLAIM 2 UNDER 35 U.S.C. 102(e)

The current Office Action rejects independent claim 2 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,648,408 to Grove. The Office Action provides that the Grove patent included a “side seat (44), side seat cushion support frame (46), side seat support (one of 62), mounting means (62 on the opposite side), fastening means (74, 58, 60), and the side seat

cushion extending laterally from the motorcycle passenger seat (see Figure 1). No further explanation was provided.

Applicant respectfully traverses the rejection of independent claim 2 under 35 U.S.C. 102(e). As stated above, the Grove patent does not show a side seat cushion (44). In fact, the specification of the Grove patent identifies the element referenced by (44) as a soft pad for a second seat (42). The second seat of the Grover patent is a passenger seat not a side seat as taught by the Applicant. In the Applicant's invention, the side seat cushions are distinct from the passenger seat. Applicant has amended independent claim 1 to clarify and particularly identify that a mounting means is used for mounting the seat cushion support frame to one or more releasable attachment supports of the motorcycle.

The passenger seat of the Grove patent attaches to a specialized fender strut instead of a releasable attachment support standard on numerous motorcycles. Therefore, the Applicant respectfully requests withdraw of the rejection of claim 2 under 35 U.S.C. 102(e). The Applicant respectfully contends that independent claim 2 is now in condition for allowance and respectfully requests its expeditious allowance.

REJECTION OF CLAIMS 3 AND 5 UNDER 35 U.S.C. 102(a)

The current Office Action rejects independent claim 3 and dependent claim 5 under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,481,792 to Goin. The Office Action provides that the Goin patent included an accessory (22), pair of seat cushions (34, 34), seat cushion support frame (32), seat cushion support (60), mounting means (52), accessory support (46), flanges (56a and area between the slots 57). No further explanation was provided.

Applicant respectfully traverses the rejection of claims 3 and 5 under 35 U.S.C. 102(a). The Goin patent does not show a mounting means for mounting a seat cushion support frame to at least one releasable attachment support of the motorcycle frame. The Goin patent discloses a seat cushion adapted to fit onto a passenger seat of a motorcycle and is not attached in any way to a motorcycle frame. Outer seat cushions (24) of the Goin patent are interconnected to a central seat cushion (20). In the Applicant's invention, the side seat cushions are distinct from the passenger seat. Applicant has amended independent claim 3 to clarify and particularly identify that the side seat cushions are disposed proximate to and unattached from a passenger seat. Additionally, the Applicant has amended independent claim 3 to clarify that a mounting

means is used for mounting the seat cushion support frame to one or more releasable attachment supports of the motorcycle.

The Goin patent does not disclose or teach side seat cushions that are proximate to and unattached from a passenger seat nor side seat cushion supports coupled to releasable attachment means of the motorcycle [frame]. Therefore, the Applicant respectfully requests withdraw of the rejection of claims 3 under 35 U.S.C. 102(a). The Applicant respectfully contends that independent claim 3 is now in condition for allowance and respectfully requests its expeditious allowance. Since claim 5 depends from independent claim 3, which Applicant respectfully contends is in condition for allowance, Applicant also respectfully requests withdrawing the rejection of claim 5 under 35 U.S.C. 102(a). Applicant respectfully requests expeditious allowance of independent claim 3 and dependent claim 5.

OBJECTION OF DEPENDENT CLAIM 4

The Office Action objects to claim 4 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 3 and believes it is now in condition for allowance. Since claim 4 depends from independent claim 3, Applicant contends that it is also in condition for allowance. Applicant respectfully requests expeditious allowance of dependent claim 4.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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